IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 31494 of 2004(Y)

PETITIONER:

JOY P.D. S/O.DEVASSY, AGED 29 YEARS,
PULIMOOTTIL PARAMBIL HOUSE,
H.NO.1060/12, PANAYAPPILLI, KOCHI.

BY ADV. SRI.A.X.VARGHESE

RESPONDENTS:

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1. THE STATE OF KERALA, REP. BY SECRETARY,
DEPARTMENT OF LOCAL SELF GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF MUNICIPAL ADMINISTRATION
THIRUVANANTHAPURAM.

3. THE CORPORATION OF KOCHI, REP. BY ITS
SECRETARY, ERNAKULAM.

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN
ADV. SRI.P.K.BABU, SC, COCHIN CORPN.
SRI.K.ANAND, SC, COCHIN CORPN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 31494 of 2004

Dated this the 14th November, 2007

J U D G M E N T

Petitioner is a nephew of Ouseph Thresia who was an employee of the 3rd respondent Corporation. She died on 9.8.2003 while in harness. According to the petitioner he is the surviving legal heir of Ouseph Thresia. Therefore, he is entitled to retirement benefits due under the account of the deceased person. Petitioner's claim in this regard, inter alia, relying on Exhibit-P2 registered will, is pending before the 3rd respondent.

2. After having heard the learned counsel for the petitioner , the learned Government Pleader and the learned Standing Counsel for the 3rd respondent, this writ petition is disposed of directing the 3rd respondent to look into Exhibit-P3 and take a decision thereon, within two months from the date of receipt of a copy of this judgment. If the 3rd respondent feels that any other person has to be heard in this regard, notice may be issued to such person also.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007